

DECISION RECORD AND
FINDING OF NO SIGNIFICANT IMPACT
FOR
THE ALASKA DEPARTMENT OF FISH & GAME

I. Decision:

It is my decision to grant the State of Alaska, Department of Fish & Game (ADF&G) a right-of-way (R/W) for a period of two years, pursuant to Title V of the Federal Land Policy and Management Act of 1976. The R/W will be subject to standard stipulations for land use authorizations and stipulations derived from mitigation measures identified in the environmental assessment (See Exhibit A - Stipulations). The areas included in the R/W are four separate locations within the Seward Meridian, T. 13 N., R. 2 W., Section 7, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$; Section 18, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ (See Exhibit B - Map).

II. Rationale for the Decision:

The lands described in the application are included in the Alaska Southcentral Planning Area Management Framework Plan (MFP), dated March 1980. Objective Number L-2 of the MFP states the BLM intends to "Satisfy needs for rights-of-way." Objective Number L-1 of the MFP states the BLM intends to "Satisfy state and local government needs as well as public and/or private demonstrated needs for land as they arise."

Issuance of this R/W will authorize ADF&G to conduct Phase 1 and Phase 2 of the project. At the conclusion of these phases ADF&G will have gathered sufficient information to determine whether they will proceed with more phases of the project. The decision to allow the Proposed Action does not result in any undue or unnecessary environmental degradation.

III. Finding of No Significant Impact (FONSI):

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that the impacts are not expected to be significant and an environmental impact statement is not required.

IV. ANILCA Section 810 Compliance:

The decision will not significantly restrict subsistence uses, decrease the abundance of subsistence resources, alter the distribution of subsistence resources, or limit subsistence user access from currently existing conditions. No further analysis is necessary at this time.

V. Adverse Energy Impact Compliance

This action has been analyzed as required by Washington Office Instruction Memorandum 2002-053 to determine if it will cause an adverse impact on energy development. The action will not have an adverse direct or indirect impact on energy

development, production or distribution. The preparation of a Statement of Adverse Energy Impact is not required.

VI. Monitoring:

Bureau of Land Management staff from the Anchorage Field Office will monitor the R/W area within the first year after construction to assess if invasive, non-native species have propagated as a result of soil disturbance.

/s/ Clinton E. Hanson, Acting
Anchorage Field Manager

May 7, 2002
Date

Attachments:

Exhibit A - Stipulations

Exhibit B - Map

Environmental Assessment: AK-040-02-EA-019

Exhibit A
Stipulations

1. Equipment and other materials brought on-site must be free of weed sources. Besides well holes, no blading or removal of vegetation to mineral soil on R/W or access routes will be allowed. Disturbed sites will be monitored to determine if non-native species become established. If these species are found, ADF&G will be responsible for their removal. Any areas that do not revegetate by the end of the second growing season must be seeded with the native seed mixture specified below. If disturbed areas are found to be excessive in size, ADF&G will be required to seed after construction.

Requirements for Seeding:

- A. The seed mixtures will be spread in the amounts specified in pounds of pure live seed/acre.
- B. There will be no primary or secondary noxious weeds in the seed mixture.
- C. Seed will be tested and the viability testing of seed will be done in accordance with State law(s) and within nine months prior to purchase.
- D. Commercial seed will be certified or registered seeds.
- E. The seed mixture container will be tagged in accordance with State law(s) and available for inspection by the Authorized Officer.

Reseeding or planting should be done with native plant species. Suitable species for this site include: Tufted Hairgrass Deschampsia caespitosa, Bering Hairgrass Deschampsia beringensis, Red Fescue Festuca Rubra, Bluejoint Reedgrass Calamagrostis, Polargrass Arctagrostis latifolia, and Alpine Bluegrass Poa. All are commercially available. Any other proposed species will require review and approval by the Authorized Officer.

2. All soil, sand and gravel removed from the ground will be evenly spread in a radial pattern around well location to a depth of no more than two (2) inches. Removal of vegetation will be held to a minimum. Similarly, fill material will be dispersed or recontoured to a depth of no more than two (2) inches in the surrounding area at the conclusion of the project.
3. During the Phase II release of water, a mat fabric will be laid out under the point of discharge to prevent any erosion and to allow the water to become a sheet flow prior to being released to the forest floor. A woven geo-textile fabric with minimum dimensions of 6 feet by 6 feet will be used to accomplish this purpose.
4. If the feasibility study results indicate that ADF&G will not be able to develop an adequate water supply in the R/W area, the following measures will need to be taken to cap the wells.

- a. Bentonite pellets will be placed in the well to effectively plug the well, and a permanent cap will need to be welded on to the pipe to secure the opening.
 - b. The well casing will be left in place and will extend 30 inches above ground. This casing will be painted orange to make it easier to find the well location.
5. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land will be immediately reported to the Authorized Officer. The Holder will suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the Holder.

Pursuant to 43 CFR 10.4(g), the Holder of this authorization must notify the Authorized Officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the Authorized Officer.
6. Use of pesticides will comply with the applicable Federal and State laws. Pesticides will be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder will obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. The plan should be submitted no later than December 1 of any calendar year to cover the proposed activities for the next fiscal year. Emergency use of pesticides will be approved in writing by the Authorized Officer prior to such use.
7. No burning of trash, litter, trees, brush or other vegetative material generated by clearing the R/W will be allowed under this grant.
8. The Holder will comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
9. The Holder will comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In

any event, the Holder will comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the R/W or on facilities authorized under this R/W grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 will be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances will be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.

10. The Holder of this R/W grant or the Holder's successor in interest will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of Interior issued pursuant thereto.